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A TOP DOI OFFICIAL ALLEGEDLY VIOLATED FEDERAL ETHICS RULES. NEW FOIA DOCUMENTS SHED LIGHT ON HIS APPARENT MISDEEDS.

Douglas Domenech's communications with his former employer, the Koch-backed Texas Public Policy Foundation, are more extensive than previously known.

JIMMY TOBIAS · JUL 16, 2019

In April of this year, the United States Department of the Interior's Office of Inspector General opened an investigation into allegations that six top political appointees at the agency had engaged in violations of federal ethics rules. One of the officials caught up in the cloud of scandal is Doug Domenech, an assistant secretary at the department and a close friend and lieutenant of Secretary of the Interior David Bernhardt.

Domenech came under scrutiny after Pacific Standard and the *Guardian* together revealed last year that he had met twice with his former employer, a Koch-backed research and education think tank called the Texas Public Policy Foundation, during the early days of the Trump administration. According to Domenech's official calendar, he took two back-to-back meetings with his former employer in April of 2017 to discuss a pair of lawsuits that the Texas-based think tank had filed against the Department of the Interior.

Under federal ethics rules, and specifically the White House's own ethics pledge, executive branch appointees are generally prohibited from participating in closed meetings or communications with former employers about various official matters for a period of two years from the date of their appointment. In meeting with the Texas Public Policy Foundation, Domenech, who joined the Department of the Interior (DOI) in January of 2017, appeared to violate those rules.

Federal ethics obligations also mandate that government officials act impartially and prohibit them from giving preferential treatment to any private organization or individual.

Neither the Department of the Interior, nor the Texas Public Policy Foundation, responded to requests for comment for this article. In a statement issued last year after Domenech's meetings with his former employer first came to light, Heather Swift, then the DOI's press secretary, said that "the meetings between Mr. Domenech and the Texas Public Policy Foundation were primarily social in nature," adding that Domenech "self-reported these meetings to career ethics officials, and the Department is addressing the matter internally."

Earlier this year, partly in response to Pacific Standard's reporting, the Campaign Legal Center, a non-partisan government watchdog group, filed an ethics complaint with the DOI's Office of Inspector General against Domenech and a number of his colleagues over alleged ethics violations. The inspector general's office subsequently opened an official investigation into the matter. The probe is ongoing.

Now, new documents obtained from a Freedom of Information Act lawsuit show that Domenech's communications and collaboration with his former employer were more extensive than previously known. According to emails and calendar entries, Domenech didn't just attend the two April of 2017 meetings with the Texas Public Policy Foundation. He played a direct role in helping arrange those meetings. He also repeatedly helped his former employer connect with other top officials at the DOI. Taken together, the new documents are likely to intensify scrutiny of Domenech as the DOI's inspector general continues to investigate alleged ethics violations at the Department of the Interior.

Doug Domenech, who is currently serving as the Department of the Interior's assistant secretary for insular and international affairs, is a prominent Republican political operative. In late 2016, as the Trump administration was preparing to take power, David Bernhardt personally recommended Domenech to lead the Trump administration's Department of the Interior landing team, an influential position that Domenech eventually acquired.

In a November of 2016 email obtained by Pacific Standard, Bernhardt described Domenech as "my closest friend." "I recommended him to lead the landing team weeks ago," Bernhardt wrote at the time.

Domenech's official resume shows that he was employed at the Texas Public Policy Foundation from March of 2015 until he joined the Trump administration in January of 2017. He earned more than \$140,000 from the group in the fiscal year that ended in December of 2016. Publicly available tax forms show that the TPPF has received millions of dollars in support from foundations tied to the billionaire brothers Charles and David Koch. It is also an affiliate of the right-wing State Policy Network. The group, which opposes many federal environmental regulations, has filed multiple lawsuits against the DOI in recent years.

According to newly released records, Domenech didn't just attend but actually helped arrange the two April of 2017 meetings between TPPF and DOI.

In an email to TPPF's general counsel Robert Henneke on April 4th, 2017, Domenech sent a schedule of the two planned meetings and a list of attendees. The list included Henneke, Domenech, and other top officials at DOI like James Cason and Daniel Jorjani, who is the Department of the Interior's top lawyer. Katharine MacGregor and Kathleen Benedetto, both powerful political appointees at the agency, also attended one of the meetings.

"Rob this is what is scheduled," Domenech wrote his former colleague, before adding later, "Looking forward to seeing you. Call my cell when you arrive at the building and I will try to come get you."

"Thank you, Doug," Henneke wrote in response. "This is outstanding—I very much appreciate you pulling these together."

Two days later, according to official calendars and other documents, Henneke visited the Department of the Interior to meet with Domenech and his colleagues about two lawsuits TPPF was pursuing against the DOI. As Pacific Standard previously reported, one of those lawsuits involved a property dispute between the DOI's Bureau of Land Management and private property owners along the Red River in Texas. The other lawsuit centered on TPPF's efforts to remove Endangered Species Act protections from an imperiled arachnid called the Bone Cave harvestman, a species that resides in Texas. Roughly seven months after Henneke's scheduled meetings at DOI, his organizations settled the Red River property dispute lawsuit with the agency in what TPPF described as a "major win."

After the April meetings he helped arrange, Domenech, who was then a senior adviser at DOI, sent a follow up email and provided Henneke with contact information for his colleagues at the Department of the Interior.

"Great seeing you," Domenech wrote.

This was not the only time he met with, or assisted, the Texas Public Policy Foundation during his first months in office.

In June of 2017, TPPF's Robert Henneke was looking to obtain government records from the DOI. He had submitted a public records request with the agency, and when the request failed to turn up responsive documents, Henneke sought assistance from top DOI political appointees. On Domenech's advice, he reached out to Daniel Jorjani, the agency's top lawyer.

"Dan, Doug suggested that I reach out to you on this," Henneke wrote Jorjani in a June of 2017 email on which Domenech was copied. Henneke then went on to describe the documents he sought in his FOIA request. "I wanted to ask [for] your help in sorting out the apparent miscommunication. My intent was not to make a cumbersome FOIA request, but only to seek some basic information. Please let me know if you'd have ten minutes next week to discuss."

A couple weeks later, Domenech again came to the aid of Henneke and his political allies. Henneke emailed Domenech on July 12th, 2017, to connect him with a staffer at the Texas General Land Office, which was involved alongside TPPF in the Red River lawsuit that TPPF would later settle with the DOI. The Texas official wanted to set up a meeting with DOI appointees, and Domenech assisted him in his effort, referring him to Daniel Jorjani.

"[Jorjani] is better suited to take the meeting," Domenech wrote in an email to the Texas official. "I am copying him on the email."

Domenech explained his decision not to meet personally with the Texas official in a separate email to Jorjani. "I am happy to attend, but, as far as I know, we the Department is in litigation over this issue with my former employer, TPPF, as the plaintiff," he wrote, without acknowledging that just three months earlier his official calendar and emails show that he had attended the two back-to-back meetings between TPPF and top DOI officials to discuss the same Red River lawsuit.

Domenech's partiality to TPPF comes through clearly in the documents obtained via the FOIA request.

In May of 2017, roughly a month after the DOI's meetings with TPPF, Henneke sent an email to a handful of DOI officials to update them on the Endangered Species Act lawsuit that his group was pursuing against the Department of the Interior. The lawsuit was filed against the U.S. Fish and Wildlife Service, a DOI agency, in an effort to delist the Bone Cave harvestman arachnid.

Domenech responded to Henneke's email with words of enthusiastic support. "Keep fighting," he wrote.

Delaney Marsco, an attorney and ethics expert at the Campaign Legal Center, whose organization [filed an ethics complaint](#) against Domenech in February of this year, wrote in an email that the newly reported Domenech activities on behalf of TPPF are "further evidence that top Interior officials are routinely disregarding ethics rules in order to prioritize the interests of their former employers and former clients."

"This is exactly the sort of privileged access that the ethics pledge is designed to prevent," Marsco added. "It's a serious problem when people who used to pay a senior Interior official's salary get special treatment that the rest of the public can't access."

Representative Raúl Grijalva, a Democrat from Arizona and the chair of the House Natural Resources Committee, also condemned Domenech's communications and meetings with the Texas Public Policy Foundation.

"Holding the door open for a fossil fuel front group while they pile into Interior Department headquarters is a perfect metaphor for this administration," Grijalva wrote in a statement. "Mr. Domenech's blatant industry favoritism is a symptom of the ethical rot that set in with Mr. Trump's election. Exposing that rot to sunlight is one of the best means we have for making sure it doesn't spread."

"I've brought this new information to the attention of the Office of the Inspector General to make sure it's included in their ongoing investigation of these meetings," he added.

Read the email exchange between Domenech and his former employer, The Texas Public Policy Foundation: